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Letter from the Secretary of the Interior,
transmitting, in response to a resolution,
information in regard to the occupation of portions
of the Crow Indian Reservation by white men, etc

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L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In response to a resolution, information in regard to the occupation of portions of the Crow Indian Reservation by white men, etc.

APRIL 24, 1890.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, April 23, 1890.

SIR: I have the honor to acknowledge receipt of a resolution of the Senate in the following words:

Resolved, That the Secretary of the Interior be instructed to communicate to the Senate whatever information is in possession of the Department concerning the occupation of portions of the Crow Indian reservation by white men; and what steps, if any, have been taken by the Department to exclude from such occupations persons not entitled thereto.

In response thereto I transmit herewith copy of a communication of 18th March last from the Commissioner of Indian Affairs, to whom the matter was referred.

From this communication it will be seen that the unsettled question of the boundaries of this reservation seems to be the source of most of the trouble with intruders.

In accordance with the recommendation of the Commissioner of Indian Affairs, instructions have been given the Commissioner of the General Land Office to survey and plainly and permanently mark these disputed boundaries, and it is believed that this work can be completed during the coming season.

Very respectfully,

The PRESIDENT OF THE SENATE.

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 18, 1890.

SIR: I have the honor to acknowledge the receipt, by your reference, of the 12th instant, for report, of the Senate resolution of the 10th instant, which is as follows:

That the Secretary of the Interior be instructed to communicate to the Senate whatever information is in possession of the Department concerning the occupation of portions of the Crow Indian reservation by white men; and what steps, if any, have been taken by the Department to exclude from such occupations persons not entitled thereto.

In reply thereto I have the honor to state that owing to the disputes with regard to the boundaries of said reservation, the matter of intruders upon these lands has long been a source of annoyance and trouble to the United States Indian agents in charge of the Crow Agency, and also to this office. The correspondence upon this subject extends through a period of a number of years, but I presume that the resolution above referred to contemplates only a statement of the present status of the matter.

On October 13, 1888, Agent Briscoe, of said agency, reported to this office that there were a number of unauthorized settlers upon the reservation, who would have to be forcibly removed therefrom; that he could clear the reservation with his Indian police, but did not like to use them for that purpose, as it would probably cause bad feeling between the whites and Indians; and he recommended that steps be taken to secure a detachment of United States troops to assist him in making the proposed removal. Under date of October 29, following, Agent Briscoe telegraphed this office as follows:

Time is short. Will I be allowed use of cavalry to eject settlers from Crow Reservation?

This office telegraphed Agent Briscoe in reply on October 30, 1888, as follows:

You have authority, under section twenty-one hundred and forty-seven, Revised Statutes, to remove all persons found in Indian country contrary to law. You must employ your police force for this purpose, and until you have used and exhausted your authority, military aid can not be furnished. Prompt performance of duty is expected.

On November 24 following, this office presented to the Department the matter of the disputed boundary lines of the reservation, referring to the statements of U. S. Indian Inspector Bannister in his report upon the said agency, dated September 17, 1888, to the effect that the southern line of the reservation was being tampered with by parties interested in having said line about six miles north of the line established by the Government; that the portion in dispute was the southwestern end of the reservation; that the line of pits, mounds, and posts of the original survey has been obliterated, either willfully, or by natural decay; and that the citizens employed a surveyor to re-establish the line, who selected an initial point to throw it further north. In the communication, above referred to, this office recommended that the Commissioner of the General Land Office be directed to have portions of the line of said reservation surveyed and substantially marked with permanent monuments. The Secretary of the Interior replied under date of December 7, 1888, as follows:

I find upon inquiry that but few, if any, Indians are in that part of the reservation, and there exists but little necessity for marking the line by monuments, altogether too little to justify the expenditure of so great a sum (\$3,750, estimated by this office) for that purpose. The apprehension of Inspector Bannister that private citizens will move the line up six miles, is not entertained by the Department. In addition to this reason, the appropriation to which you refer could not be employed for the survey of boundaries. It is designed for surveying and subdivision of lands with a view to allotment. I am of the opinion that no further action is necessary to be taken in respect to this matter at present. When that portion of the reservation comes to be opened, it is quite probable some survey may be necessary.

United States Indian Inspector Junkin, in his report upon the Crow Agency, dated October 12, 1889, referred to the matter of the disputed

boundary line of another portion of the reservation and to the matter of intruders as follows:

* * * The narrow strip (a survey of which, I am informed, was made by Special Inspector Howard, is on file in the office of the Honorable Commissioner of Indian Affairs) between the Yellowstone River and the Northern Pacific Railroad tracks contains about 800 acres. It is not suitable for grazing and is not used by the Indians. Some white men (two I believe) claim portions of it for their Indian children and have charged for corralling stock in their inclosures. They should not be allowed to remain on it. It would be desirable to purchase the land from the Indians and dispose of it in small subdivisions. If this is done it is believed that a thriving town will spring up at Custer Station. It should be done soon, as it will doubtless bring a good price if disposed of before Junction City, on the north side of the Yellowstone, gets fairly started. The money derived from the sale of this strip would benefit the Indians much more than if the land was permitted to remain a portion of the reservation. * * *

* * * Because of a dispute between cattlemen in Wyoming and the agent and the Indians in regard to the boundary line, much trouble results. The stockmen claim a line one and a half or two miles north of the supposed survey, and permit their stock to range on it without compensation to the Government, and without paying taxes in Wyoming. I tried to find the boundary line but no one would positively establish it. I did find a cottonwood post lying on the ground about 60 miles north of the agency, near Pass Creek, on which were inscribed "Mnt't., Wyo.," "45 N. L 1880." When spoken to about toll the ranchmen advise the agent to fence the reservation. * * *

In a subsequent communication, dated October 24, 1889, Inspector Junkin further reported upon this matter of intruders upon this reservation as follows:

Nye City was once quite a village, probably two hundred people having lived there at one time. While I did not see the monuments dividing Montana from Wyoming, I am satisfied that Nye City is on the reservation. The people who once lived there are also satisfied of this fact. They have all moved away except two or three families. A company was formed here a few years ago when mineral was discovered. A large smelter and other necessary works to reduce the ores were erected, but they have never been operated. I was informed that the company expended between \$80,000 and \$90,000 in the construction of these works. Only one man is there now to guard the property. It is claimed that the quartz contains nickel, lead, copper, silver and gold. The rock containing the ore is very heavy. At the time the city was started and the smelter erected it was thought the land was south of the Territorial line; but the fact that all work on the smelter and in the mines has ceased is evidence that the parties interested in the enterprise became satisfied that they were trespassers.

The white man is grasping. The stockmen on the reservation (at the west end) have gone far beyond the lines of their contracts. Some of them do not return the full number of their stock. One man who is assessed on 5,000 head of cattle reported to me that he had 3,000. Some of them construe their grazing contracts to include the privilege of cutting Government timber and erecting comfortable cabins, while others go further and put up stables, sheds, fences, etc. They generally claim that they thought they were off the reservation when they made their settlements, but they have since paid for grazing and haying privileges. Some of these settlers are eight or ten miles north of the line. About two years ago they were ordered off the reservation. Some went, but others took their places. It is impossible for the Agent to remove them without a greater force than he now has, and without positive authority from the Department of the Interior with power to call for troops to aid him.

There is an indisposition on the part of some of these settlers to remove or pay for grazing or haying privileges. They appear to entertain the idea that the western portion of the reservation will be thrown open to white settlement in the near future, and they are ready to throw aside their grazing privileges and claim the land in homesteads. They will not consider the question of this removal before it is thrown open, or the right of the Indian to make his allotment before the act can be consummated.

I am sorry to say that this feeling among the settlers is strengthened by the local politicians of the Territory. The latter are anxious to secure the influence of the former, and their eagerness to secure that influence blinds them to the rights of the Indians. It would be true justice to the Indians and only simple justice to the white settlers to remove all whites from the reservation before they make further improvements.

The unsettled question of the boundaries of this reservation seems to be the source of most of the trouble with intruders, and therefore this office recently (on the 12th instant) again recommended to the Department that steps be taken to have portions of the disputed boundaries surveyed and permanently marked.

The Senate resolution above referred to is herewith returned.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner

The SECRETARY OF THE INTERIOR.